

**Council for the Village of Yellow Springs
Regular Session Minutes**

In Council Chambers @ 6:00 P.M.

Monday, July 2, 2018

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:00pm.

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Judith Hempfling, Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, and Village Solicitors Chris Conard and Jennifer Grewe.

EXECUTIVE SESSION

At 6:01, Kreeger MOVED to Enter Executive Session For the Purpose of the Discussion of Ongoing and Potential Litigation. Hempfling SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 7:05pm, MacQueen MOVED and Kreeger SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 on a VOICE VOTE.

SWEARING IN OF BOARD AND COMMISSION MEMBERS

Deborah Williamson was sworn in as a full member of the Human Relations Commission.

ANNOUNCEMENTS

Kreeger announced the following arts news: a performance art piece by Paul Lazar set for July 20th at the Foundry Theater; A Midsummer Night's Dream, performed by the Yellow Springs Theater Company with music performed by the Community Orchestra for July 20 and 21, and the Arts and Culture Commission presentation of the most recent VIDA award to the Women's Park. That ceremony will occur on August first. Finally, Kreeger noted the John Bryan Center Gallery opening for "Remembering" set for September 12, and "Porchfest" coming up on October 6th.

Stokes noted the Young People of Color Fourth Annual Swim Party set for July 20th.

Bates noted work occurring in Keith's Alley the night of the 18th, and that letters have been sent to residents adjacent.

MacQueen made noted of the work accomplished by staff at the Village's newest nature preserve, the Glass Farm.

Announced the Pan Ohio Red Cross Hope Ride passing through the Village on July 26th.

CONSENT AGENDA (7:10)

1. Minutes of July 2, 2018 Regular Meeting

MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE. Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

REVIEW OF AGENDA

MacQueen added an HRC item to New Business. Hempfling asked that her letter to Council be added to Old Business. Stokes added Anti-Bias Training to Old Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Donna Caslin re: Corporal Meister
Kathryn Van der Heiden re: Corporal Meister
Kori Whitaker re: Arbor Care
MVRPC re: YS Complete Streets Program
Johnnie Burns re: "Door Knocker"
Judith Hempfling re: Corporal Meister
Kevin Stokes re: YPOC Swim Event

The issue of trimming vegetation was discussed at some length.

Leslie Scheper commented that the Police Chief used to remind Villagers of this need.

Megan Bachman, YS News, received confirmation that this reminder work would now be done by the Village Crew during their regular rounds by way of a door hanger.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-27 Annual Late Fee Utility Forgiveness Upon Customer Request. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Kreeger introduced the legislation as a first step in addressing utility concerns in the Village.

Housh OPENED THE PUBLIC HEARING. There being no comment made, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE.

The MOTION PASSED 5-0 on a ROLL CALL VOTE.

First Reading of Ordinance 2018- 28 Approving a Supplemental Appropriation for the Second Quarter of 2018. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Bates noted that the supplemental is a regular item of business on a quarterly basis. She noted the cost of the emergency purchase of the new lift station generator as one item, the ADA curb and ramp project match as another.

Bates commented that the ADA project 25% match will likely not be spent, but has to be appropriated.

Housh received clarification that the Water Capital Improvement Fund expenditure was not shown because Colleen Harris had received reimbursement for the unidirectional flushing machine purchase and did not need to bring the expense forward.

Housh asked that he receive clarification regarding the YS-Clifton Connector fund.

Housh did not call the vote on the first reading.

Reading of Resolution 2018-28 Authorizing the Village Manager to Enter into an Agreement with Gray's Tree Experts for 2018 Utility Line Clearance (Section 1) of the Village. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Burns explained that the Village received three responses to the RFP, and that Grey's Tree Service had been the lowest and best, and has currently been thoroughly vetted.

Robin Richardson Coy asked how far under the next bid that lowest bid had been.

Bates stated that the bids had been, \$92,000; \$97,000.00 and \$338,000.00.

Housh CALLED THE VOTE, and the MOTION TO APPROVE PASSED 5-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Wayne Gulden commented on noise levels in the Village, noting that events "seem to be getting louder and longer". Gulden asked for explanations regarding rules for events as well as noise levels permitted. He asked that a discussion regarding acceptable noise levels take place.

Bates noted that events on Village property follow a process, which she described, and stated that music/noise are to cease at 11pm for any event. She stated that there is a noise ordinance that sets a decibel limit.

Gulden complained that the police had been called, but that they had not taken action.

Kreeger responded with information about different types of speakers, acknowledging the challenges with differing sound systems. She assured Gulden that the ACC is committed to responding to the issue, and is aware of the concern.

Housh commented that the issue of notification of neighbors is also being addressed.

Hempfling noted that knowing what the event is all about helps with understanding, commenting in favor of more information for the public.

Pastor Randolph challenged Council and those listening to contribute to the effort on the part of the First Baptist Church to supply 75 filled backpacks to Village children to return to school prepared and announced a backpack preparation festival with food and entertainment set for August 11.

Stokes noted that HRC is collecting donations for school supplies around town.

Bates suggested that HRC coordinate with the Baptist Church on the project.

Robin Richardson Coy noted that she lives outside the Village, stating that she had had a very good experience with Arbor Care, and asking the Village to reconsider.

Mike Scheper asked whether Grey's Tree Service has a hold harmless verbiage. This was confirmed.

SPECIAL REPORTS

There were no Special Reports

OLD BUSINESS

Council 2018 Goals Review. Housh noted that he had coded in the goals as either complete, in progress, or lacking a plan. He noted that some resources are marked for consideration as to whether they were still contributing.

Housh noted that the Energy Efficiency program is not progressing. This was discussed.

Housh stated that he would like the suggested RFP for Energy Efficiency Education to be vetted by, if not Energy Board, than an advisory body before it is sent out.

There was some discussion around the idea of promoting infill under the housing goal.

Some minor wording changes were made.

Council discussed priorities with regard to land conservation and areas identified as possible for housing.

Council heard from Tecumseh Land Trust Director Krista Magaw regarding upcoming outreach and grant funds available. She noted the need to understand Council's priorities as soon as possible. Magaw made a suggestion regarding a potential property purchase as an addition to the greenbelt.

Magaw asked that a decision be made regarding priorities if possible by mid-September, and Housh stated that Council will attempt to accomplish this, and that discussion was set for the September 4th meeting.

With regard to the Economic Development goal, Kreeger suggested a closer collaboration with Antioch College as an incubator to achieve some of these goals.

Hempfling asked that the community conversations action be removed from the JSTF goal.

Housh asked that Council consider an Active Transportation Committee that is tied to Council.

Kreeger commented that Council should take stock of existing and potential boards and commissions to see whether these are still needed/may be needed.

Leslie Scheper asked whether Council has considered lowering rates or talking to DP&L.

Housh suggested she attend the infrastructure meeting on July 30th.

MacQueen commented on the reason that utilities are more costly in the Village, noting the priority for renewable energy, and the desire for owning its own utilities.

Scheper commented that people are able to do this on their own, and shouldn't have a government entity making that decision for them and making utilities unaffordable.

Village Manager Search Process. Housh commented that he did not see the need to bring in a consultant to the process, but would like to see Council form a subcommittee to vet the information and bring a process forward.

MacQueen commented that assistance from an outside firm to conduct initial vetting of candidates and to perform outreach tasks would be valuable. She projected more than six months for the process, and offered to work on a timeline. Stokes offered to work with her.

Hempfling questioned involving citizens early in the process, stating that the process should be Council driven.

Kreeger asked that a discussion regarding what worked and what did not might be useful.

Proposed Purpose/Structure/Code of Regulations for Designated CIC. Kreeger explained the document provided, highlighting the need for feedback regarding the direction of the process at this point.

Kreeger noted concerns held by committee members, and asked for feedback on these.

Kreeger noted that the proposed mission of a DCIC established in Yellow Springs would be to serve as a coordinating and planning entity providing funding and oversight for projects that ensure the economic and cultural vitality of the Village of Yellow Springs for businesses, non-profits, residential and infrastructure development. The goal of increasing the tax base is a major reason to create a DCIC. Kreeger reminded Council that the underlying purpose of the DCIC is to enhance Council's goals, and that a myriad of strategies are open for consideration under the DCIC model.

Hempfling expressed discomfort with the DCIC model as presented, opining that citizens are less able to influence a DCIC board, and that this ultimately reduces citizens' voice.

Kreeger disagreed, noting that DCIC's are flexible, and that they can be required to follow Sunshine Law and/or to have rules under which some decisions revert to Council. She noted that this would slow down the process, which runs counter to the desire to have a DCIC, but stressed that these are possible options as means to increase citizen participation.

Hempfling commented again that she wanted to see Council in control of the DCIC.

Kreeger responded, commenting that for Village owned property, Council would always retain control over final decisions.

MacQueen asked for scenarios as examples as to how that control and/or citizen voice might play out.

Housh commented that the DCIC is "about coordinated strategic planning". He suggested 10 members rather than 11, and suggested that two Council members collaborate to start a formal outreach to the other entities vested in the potential DCIC.

Housh suggested that the next step is a joint public meeting with the three public entities—the Village, Miami Township Trustees and the School Board—to discuss the purpose and authority of the board.

Kreeger suggested that a code of regulations be drafted prior to the meeting being called.

Conard responded to a question from Hempfling, stating that the three public entities can define common points of interest for moving forward, and the makeup of the board will determine which body has greater control. He noted that Council has control over that makeup to some extent.

Hempfling expressed discomfort with having a joint meeting.

Stokes noted that Council has long desired a joint meeting as a way to better understand each entities' priorities and concerns, and expressed that it is beneficial to share information early on rather than after concepts are formed.

Kreeger expressed support for a conversation with stakeholders. She commented that the Village as a whole has not been diligent in communicating between stakeholders, noting the recent utility increases, the failed school levy, the new fire station levy and the lack of collaboration in those efforts which may have adversely affected all entities.

Kreeger noted that representatives from the Township and the School Board have been attending ESC meetings and are informed and communicating back to their bodies.

Kreeger asked Housh to work with her on writing the draft code of regulations, and this was agreed upon.

Village Investment Strategy. Kreeger noted continuing meeting of the Finance Advisory Committee, and reported that additional funds will be transferred to Star Ohio. Kreeger noted recent conversations regarding local investment, and stated that the Village is looking into investing in the Credit Union and through the YS Community Foundation. Council can expect a more detailed review

in late October.

Housh stated that the transfer to Star Ohio could potentially quadruple the amount of money available in the General Fund.

Tree City USA Discussion. Bates provided information on becoming a Tree City as follows:

To become a Tree City, the Village must meet four standards. The Village must have a Tree Board or Department, a standard that could easily be met by Council establishing a new Tree Board, which would likely incorporate the existing Tree Committee.

The second standard involves enacting a tree care ordinance.

The third standard is to establish a forestry program with at least \$2.00 per capita budgeted for tree installation and maintenance. While the Village would have to formalize this budget in annual required reports to the Arbor Day Foundation, the current budget already far exceeds this in annual tree care costs.

The final standard is to have an annual Arbor Day observance and proclamation.

Anna Bellasari commented that the move to Tree City status would improve communication between the Village and the Tree Committee. She noted that the Tree Committee is aging, and that there are fewer and fewer sites in the Village available for planting. The change in status would make more assistance available to the committee.

Bellasari noted that the Tree Committee already has a forestry program in place, and would simply need a board formed and an ordinance drawn up.

Bellasari stated that the Tree Committee now has an annual Arbor Day event with Mills Lawn, and offers educational information as well. She asked that Council support the request.

MacQueen cautioned against formation of another commission as potentially burdensome and suggested outreach to students.

Housh suggested that review of all boards and commissions might be in order.

Kreeger suggested greater collaboration with Antioch College.

Bates offered to write the ordinance and complete the application as a way to start things moving forward.

Housing Advisory Board Update. MacQueen reported that the HAB will be meeting with Patrick Bowen Tuesday to identify potential properties for development. MacQueen asked that a Housing Vision and Values Statement be brought back as a resolution for August 20th.

Implicit Bias Training. Stokes reported that Implicit Bias training will be implemented for all Village employees in early August. He encouraged everyone to participate in an online questionnaire as informative regarding bias. Stokes shared information regarding the approach to training that will be taken, including an assessment followed by two half-day sessions, with follow up coaching available. Stokes commented that he would like the Village to show leadership as a diverse and knowledgeable employer.

NEW BUSINESS

Hempfling Letter Regarding Meister Discipline. Hempfling commented upon her letter, stating that Council's primary role is to represent citizens. Hempfling commented her belief that "significant mistakes have been made by many parts of the Village organization", some longstanding and some recent, related to Human Resources policies.

Hempfling stated that "there is a lot to figure out" with regard to the Village's stance on policing and the police department.

Hempfling compared the Village structure to a nursing protocol, opining that while an individual may have made mistakes, the problems lie as much with the organization as with the individual. Hempfling asked that Council stop funding for the Solicitor to continue "to do this disciplinary track" and that Council President work with the Chief and the Village Manager to resolve the situation in a more positive manner. She noted the potential need to update the Employee Handbook.

MacQueen commented that the situation is complex, and that what can be shared publically is

only a small part of the situation. MacQueen asked rhetorically whether the police discipline policy could be better, commenting that she is not an expert and believed it was not the job of anyone other than the Village Manager to make that determination.

MacQueen opined that the situation has resulted in negative and even nasty personal attacks and comments in social media, and expressed concern over the effect that this could have upon the morale in the police department. The PD needs to be able to function as a team, she commented, and this situation may have created divisiveness. The negotiation process between the officer in question and the Village needs to be allowed to come to fruition.

Stokes expressed agreement with MacQueen, reiterating the importance of allowing the process to play out. Stokes commented that all parties are acting in the most honorable manner possible.

Kreeger commented on the movement in the nursing industry to create a “just culture”. One reason this works is that people are able to feel safe expressing themselves when things go wrong. Involved persons are held to high levels of confidentiality, she said. What has been disorienting here, Kreeger said, is that this situation is being tried in a public forum in a highly uncivil manner.

Kreeger stated that she too views herself as a public servant and in that vein is working to gather the opinion of her constituents. The result of this work, she commented, is that while comment about Corporal Meister is highly favorable, Chief Carlson is likewise viewed as a valued and respected member of the community. There is concern that a toxic environment is being created as a result of cyber bullying. This is damaging our community, Kreeger stated. She noted that she sees efforts being made to improve policing in the community. If there is a failure, she said, it is that these genuine efforts have not been given the time they need to fully take hold.

Kreeger stated her agreement that this is an opportunity to improve Human Resources practices and the amount of ongoing feedback and coaching available to employees. After the disciplinary process plays out, Kreeger commented, there may be the opportunity to address these issues.

Housh then opened the floor for public comment.

Leslie Scheper asked what prompted the discipline and who objected to his (Meister) handling of the situation. She asked whether Meister had been permitted to exercise discretion and whether this was the problem.

Ken Odiorne commented positively on the efforts of Council and the JSTF in attempting to improve Village policing. He then commented that “the organization is corrupt” with regard to policing. He asked that Council allow “back off Corporal Meister” and that Carlson’s contract be allowed to expire. He disagreed at the characterization of cyber bullying. HE than asked for a “civilian review board”.

Robin Coy stated that there is a national distrust of police officers and that despite that, Meister is trusted.

Carlos Landaboro asked that the discipline against Meister be dropped and perhaps reinstated with civilian participation.

Pan Reich stated that “people are afraid and passionate” and that their comments might appear to be cyberbullying but are not. Reich stated his familiarity with effective management best practices and offered a criticism of Carlson’s disciplinary process. Reich asserted that Sergeant Watson still likely holds a grudge, noting that she nor Carlson have placed complimentary comments in Meister’s file, and that Watson has signed off on four complaints in the file.

Kreeger commented that assumptions seem to be being made that to permit the hearing process to continue is actually proceeding with the discipline, rather than simply a continuation of the hearing process.

Scheper stated that this does seem to be the case.

Bates explained the process for discipline, noting that at this point there is a recommendation for discipline, and that the current stage is not yet even to the pre-disciplinary hearing.

MacQueen spoke strongly about the accusation made regarding corruption, stating that she and all of Council take these accusations very seriously. She asked that, if anyone believe this to be true, they should bring evidence of such to Council, who will not tolerate it.

Hempfling MOVED to cease funding for the Solicitor on this disciplinary track, and that the Council President, the Village Manager and the Chief reset and resolve the situation. The MOTION

FAILED for lack of second.

Housh commented he agrees with Hempfling in that Council can do better with regard to their oversight of Village human resources policies. However, he commented, the “cherry-picking” of information in the situation is problematic. Housh opined that there must be a balance between leniency and safety in policing, and that in the situation in question, there were issues where discipline was appropriate. He stated his unwillingness to make any decisions until the hearing process is completed.

Housh noted the abundance of time devoted to the issue in asserting the importance of a fair process and the value that Council places upon Corporal Meister’s service.

Housh noted that an outcome of well-enacted discipline is that it provides opportunity for learning and growth, and noted that Council is heavily involved in a way that it normally would not be in a disciplinary issue because they are committed to a good overall outcome of the situation.

Social Media. MacQueen asked whether HRC might be an appropriate group to help address social media as both an asset and a potential detriment to civility and communication. Stokes stated his agreement with this request.

Landlord Utility Responsibility Discussion. Bates explained the process whereby landlords are informed of delinquent bills. These are not sent out until no bill has been paid for two months, ten days after which notice a disconnection will occur if payment is not made.

Housh asked whether landlords can ask to be informed of earlier missed payments and was told that they are not.

Hempfling commented that the process is anti-renter. Hempfling commented that the Village could require deposits or other things as safeguards. She asserted that receiving disconnect letters could damage the relationship between a renter and rentees.

Hempfling commented that the Dunphys do not allow renters to enter into a payment plan with the Village. She commented that if a landlord is stuck with a business renter’s bill it could be a lot, and that utility providers normally make allowance for this loss. Hempfling suggested a downpayment be required to cover delinquencies.

Kreeger asked whether Hempfling is objecting to the landlord notification itself or to landlord accountability. She asked whether Hempfling is asking that responsibility be returned to the renter and received confirmation.

MacQueen commented that she supports the policy as it stands. She stated that having a realtor who does not permit tenants to enter into payment plans with the Village is problematic, but is not the Village’s problem to resolve.

Bates commented that the payment plan option exists for those struggling with a difficult circumstance such as job loss or illness.

Bates responded to a question regarding the annual loss to the Village due to non-payments, and recalled this as in the neighborhood of \$13,000.00.

Stokes noted that by the time of landlord notification, the renter has already received two letters offering payment plan options.

Housh commented that the choice is whether all customers shoulder the effect of non-payment or whether landlords shoulder that cost. He expressed understanding the embarrassment of a landlord receiving the shutoff notice. He stated his support for incentivizing landlords to be supportive and helpful in such situations. He noted not being ready to make a change to the policy.

MANAGER’S REPORT

Staff Quarterly Reports.

Quarterly Financials. Kreeger asked whether there are triggers when expenses are off target.

Bates responded that she and Harris discuss these when they occur and make adjustments where needed.

Housh asked that a one-page narrative accompany the financials.

Stokes MOVED to approve the quarterly financials. Hempfling SECONDED. The MOTION PASSED 4-0 with MacQueen abstaining due to not having reviewed the documents.

SOLICITOR’S REPORT

There was no additional report.

CLERK’S REPORT

There was no report.

BOARD AND COMMISSION REPORTS

MacQueen commented that there needs to be greater clarity regarding Planning Commission’s role vis a vis the Housing Advisory Board, and that she plans to obtain this clarification and bring further information to Council’s August 20th meeting.

Kreeger noted a proposal in the packet for restoration of the jungle mural in Keith’s Alley. The ACC is asking for permission to apply for a Community Foundation grant, and will also seek private donations. Any ACC contribution will follow the fundraising efforts.

Kreeger noted work starting on concepts for a mural at the pool. Housh noted that historical themes will be looked at.

Hempfling commented that Energy Board is looking at expanding local sites and asked whether this should be brought forward.

Housh asked that any such effort coincide with Council Goals and suggested bringing the idea to the infrastructure meeting.

Hempfling asked to bring a draft surveillance ordinance to Council on August 20th with a final recommendation. Housh moved this to September 4th.

Hempfling noted that Pat DeWees’ recommendation regarding a Citizen Review Board be brought to the September 4th meeting.

FUTURE AGENDA ITEMS

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| Aug. 20: | Resolution Approving Designated CIC Code of Regulations
Resolution 2018-27 Approving a One-Year Contract Extension with Rumpke Waste Services
Resolution Adopting a Housing Initiative Values Statement for the Village of Yellow Springs
Resolution Approving a Contract with XX for Sidewalk Repair
Housing Advisory Board Update – Patrick Bowen
Draft Resolution Approving a Designated CIC Code of Regulations
Vote 16/Local Gun Control Proposals
Village Commitment to Transparency Discussion |
| Sept. 4: | Resolution 2018-33 Affirming Council’s Priority TLT Land Purchase Goals
Consideration of Rezoning Request for Antioch College (ED to PUD)
Mayor’s Court Recommendation with Updated Charges List
JSTF Report on Best Practices for Community Police Advisory Boards
Village Commitment to Transparency Discussion
Vote 16/Local Gun Control Proposals
RV Parking Regulation Recommendation from PC |
| Sept. 17: | 2018-XX Approving a Designated CIC Code of Regulations
Biennial Review of JSTF Commission Status
Tree City USA Ordinance
Resolution Approving an RFP for Infrastructure Improvement |

ADJOURNMENT

At 11:09pm, Hempfling MOVED and Kreeger SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council’s office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website:

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council